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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION NO.: 97-60039-01

VERSUS

JUDGE HAIK

MANUEL DAVID HERNANDEZ

RULING

Before the Court is a letter submitted *pro se* by Defendant Hernandez. [Doc. 148]. Due to the language used in the letter, i.e., “request for attorney and re-sentencing?” this Court hereby interprets this letter as a Motion to Reduce Sentence and Appoint Counsel.


Upon consideration of Defendant’s request to appoint counsel, the Court finds there is no basis for granting this motion. Particularly, the issues presented do not give rise to any matters so complex as to require the defendant receive special assistance.

In regards to Defendant’s request to reduce his sentence, the Court finds this request exceptionally untimely. Specifically, Defendant was sentenced to twenty-five years imprisonment on August 20, 1998 and now, fourteen years later, Defendant files the instant motion. Such a delay is unreasonably untimely.

Notwithstanding the untimeliness of the motion, Defendant’s motion still fails. The cases cited by Defendant do not support his proposition that he is entitled to a reduced sentence. Additionally, the cases cited do not create a retroactive reduction in sentencing pursuant to 18 U.S.C. § 3582(c)(2). As such, the sentence Defendant received was proper and in compliance with all laws and guidelines.

For these reasons, Defendant's Motion is hereby **DENIED** in its entirety.

THUS DONE AND SIGNED at Lafayette, Louisiana on this 30th day of April, 2012.



**HONORABLE RICHARD T. HAIK, SR.
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**